

# ARNOLD & PORTER LLP

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February 17, 2004

**RECEIVED**

FEB 20 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/062,113  
Filed: April 17, 1998  
Title: **Novel Proteins and Methods for Producing the Proteins**  
Applicants: GOTO *et al.*  
Atty. Docket: 16991.012

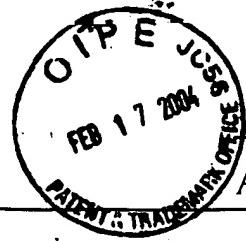
Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Submission of Substitute Specification & Abstract, including Appendix A;
2. a clean version of the substitute specification (62 pages plus 1 page Abstract);
3. a marked-up version of the substitute specification (64 pages plus 1 page Abstract);
4. a Statement Regarding Sequence Submission;
5. a paper copy of a substitute sequence listing (81 pages);
6. a sequence listing in Computer Readable Form (CRF), on floppy diskette;
7. a Letter to PTO Draftsperson: Submission of Formal Drawings;
8. twelve (12) pages of formal drawings for Figures 1A, 1B, 2, 3, 4A, 4B and 5-15; and
9. a return postcard.

Submitted herewith is a sequence listing in Computer Readable Form (CRF), on floppy diskette.

The sequence listing in Computer Readable Form (CRF) contains one file called "SubSeq16991012.txt" which is 136,653 bytes in size (measured in MS-DOS) and was recorded on October 17, 2003.



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Page 2

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16991.012. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dawn Gardner Krosnick".

Joel M. Freed (Reg. No. 25,101)  
David R. Marsh (Reg. No. 41,408)  
Dawn Gardner Krosnick (Reg. No. 44,118)

Attachments

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 20 2004

In re Application of:

GOTO *et al.*

Art Unit: 1647

Appln. No.: 09/062,113

Examiner: D. Romeo

Filed: April 17, 1998

Atty. Docket: 16991.012

For: Novel Proteins and Methods for  
Producing the Proteins

Confirm. No.: 2563

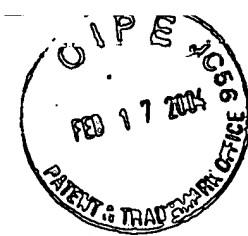
SUBMISSION OF SUBSTITUTE SPECIFICATION & ABSTRACT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Substitute Specification and abstract for the above-identified application, entry of which is respectfully requested. Clean and marked-up versions of the Substitute Specification are submitted, with changes shown relative to the immediate prior version of the Specification of record as required by 37 C.F.R. § 1.125(c). Concurrently submitted are Formal Drawings and a Substitute Sequence Listing.

The Substitute Specification contains no new matter. The specification has been amended to include cross reference to related applications and incorporation of sequence listing sections. The substitute specification also corrects alleged defects in related application number 10/232,858, corrects minor typographical and grammatical errors, and corrects the presentation of various trademarks in the specification. Support for the substitute specification may be found throughout the specification as filed and in the original claims. Although the Examiner did not request an additional Substitute Specification in the present application, Applicants note that a Substitute Specification was requested in related Application No. 10/232,858. Correction of typographical and grammatical errors are believed to be self-evident from a review of the marked-up Specification, and therefore Applicants limit their comments on the changes made in the Substitute Specification to the following:



At paragraph 1, claims for priority have been made as required by 37 C.F.R. § 1.52.

At paragraph 2, the sequence listing has been incorporated by reference as required by 37 C.F.R. § 1.52.

At paragraph 13, the text has been amended to clarify that the protein has a molecular weight of 60 kD under reducing conditions, and molecular weights of 60 kD *and* 120 kD under non-reducing conditions. Support for this amendment may be found at page 20, lines 3-8, and at page 44, lines 3-11, in the specification as originally filed, *e.g.*, at current paragraphs 66 and 137.

At paragraph 16, the text has been amended to clarify that the IMR-90 cells are human fetal lung fibroblast cells. Support for this amendment may be found at page 15, lines 3-11, in the specification as originally filed, *e.g.*, at current paragraph 48.

At paragraphs 145, 147, 148, 151, 153, 156 and 158, the amino acid numbers used when referring to SEQ ID NO: 5 have been corrected to match the current sequence listing in this application. In the original sequence listing, several amino acid sequences (including SEQ ID NO: 5) were numbered with positive and negative numbers, where the negative numbers referred to amino acids not present in the mature peptides (*e.g.*, signal peptide amino acids had negative numbers). The substitute sequence listing filed concurrently herewith brings the sequence listing into compliance with the current 37 C.F.R., and accordingly all amino acid sequences are now numbered only with positive numbers. The present amendment results in the specification matching the substitute sequence listing. Support for these amendments may be found in the specification as originally filed, the sequence listing as originally filed, and in the current substitute sequence listing.

At paragraph 255, the number of the Table has been corrected (it was a duplicate number) to reflect its position in the sequence of Tables in the specification.

At paragraphs 261-263, information regarding deposits made under the Budapest Treaty has been added to the specification. Support for the addition of this information may be found in the Statements on the Availability of Deposited Material and Deposit Receipts attached hereto as Appendix A. These Statements were originally submitted in sister application 09/338,063,

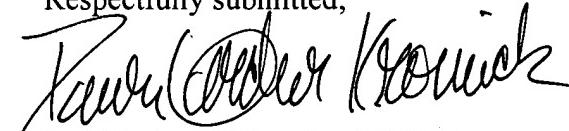
which also claims priority to common parent Application 08/915,004, and are believed to provide complete support for the present amendments.

At paragraph 266, Applicants have re-written the deposit information and provided the current name of the international depository in which the accession resides. Support for this amendment may be found at page 86, lines 14-25, in the specification as originally filed and the Statements on the Availability of Deposited Material and Deposit Receipts.

At paragraph 267, Applicants have included the text "What is Claimed:". Although this substitute specification does not include the actual claims, Applicants desire to include the text of this heading herein.

Should the Examiner have any questions regarding the above-identified application, he is invited to contact the undersigned at the number indicated below.

Respectfully submitted,



Joel M. Freed (Reg. No. 25,101)  
David R. Marsh (Reg. No. 41,408)  
Dawn Gardner Krosnick (Reg. No. 44,118)

Date: February 17, 2004

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GOTO *et al.*

Appln. No. 09/062,113

Filed: April 17, 1998

For: Novel Proteins and Methods for  
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Art Unit: 1647

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Atty. Docket: 16991.012

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**Letter to PTO Draftsperson:  
Submission of Formal Drawings**

Commissioner for Patents  
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**ATTN: Drawing Review Branch**

Sir:

Submitted herewith are formal drawing sheets with Figures 1A, 1B, 2, 3, 4A, 4B, and 5-15 corresponding to the informal drawings submitted with the above-captioned application. The application number and title of the application appear on the front of the sheets. Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

Respectfully submitted,

Joel M. Freed (Reg. No. 25,101)  
David R. Marsh (Reg. No. 41,408)  
Dawn Gardner Krosnick (Reg. No. 44,118)

Date: February 17, 2004

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